

that he never repaid her (6-years later). Perhaps, an aging septuagenarian was simply *confused* by her son and the government's preparations for trial.

Kaiser 2011 confession to Kenner about the money he stole from his mom, Ethel, and never re-paid - confirming his trial lies about selling his home to repay his friends & family:

| | | | | |
|---|--------|-----------|---|--|
| 1 | +16312 | 7/22/2011 | R | [Kaiser]: Yes and that is not [sic] [not] the only money that is owed out , that I have been working everyday to pay back everyone |
| 1 | +16312 | 7/22/2011 | R | [Kaiser]: 5k month for back taxes on the sale of 87 laurel made 250 k [his prior home that allegedly paid back \$1 million in loans], 100k went to u [to Kenner for loan repayments], 150 vin [Tesoriero] owes [confirmed by 3500-VT-1-r at 2 to the FBI] ¹⁶ , 3300 a month goes towards cards from Pv [Arizona] Reno, was paying my mother [Ethel], \$ 2500 a month for the 1 mil we took from her, left her with no money to live , now paying her \$1500 a month, Took 380k from brother Keith, left him w/shit , we where supposed to send him back money after sale of [Kenner's] little house in mex, u sent me 4k for him, i send him \$500 a monyh to live on . . And 4k to 6k to Pv a month . Should I continue ?????? It's a fucking joke. And please don't tell me about Mex I am not one of the hockey guys |

NOT IN ORIGINAL

Kenner reply to Kaiser days later about his financial theft confessions from his friends and family...

| | | | | |
|---|---------|-----------|---|--|
| 1 | +16312 | 7/25/2011 | S | I'm sure you're exhausted every day from work. So, please |
| 7 | 350308 | 12:54:43 | e | send the 5k Monday (so I can make my loan mod payment in |
| 4 | John | AM(UTC | n | 5 days or I'm out), I'll keep working with Stolper on the NY |
| 7 | Kaiser* | +0) | t | case even though I'm not a beneficiary, I won't mention |

¹⁶ The Court should note that the revised government forfeiture and money judgment request claimed Kaiser had \$180,000 of his own money in the 2005 Hawai'i loan (*ECF No. 781 at 2*). **This cannot be true** – unless 9-11 First Responded Vincent Tesoriero lied to the FBI in 2014 (*3500-VT-1-r at 2 ¶12-13*) -- and the August 2005 Hawai'i bank records are inaccurate. Ethel Kaiser contributed at least \$700,000. Vincent Tesoriero contributed at least \$150,000. The “unnamed” \$150,00 that completed the \$1 million of August 2005 deposits belongs to Vincent Tesoriero’s parents (*3500-VT-1-r at 2 ¶13*) – **not John Kaiser** (*Bates stamp: PKHome-11042 – Northern Trust Bank -- Ka'u holdings bank records*). In addition – the math is improper according to the revised government and Kaiser lies, totaling \$1,030,000.

[REDACTED] Mexico to you (since other than the Hawaii 5.5mm loan, you're not involved), text me why carol is not fired yet (so I can do what I need to do), & I'll handle Sotheby's if you cannot. No worries here. We will catch up some day...pk

- Kaiser and the government cannot explain any of their \$1,280,000 “move the goalpost” losses that Kaiser has allegedly “now” suffered (*ECF No. 781*) regarding their star-witness that had not been addressed by the government before Kenner “outed” them during the December 6, 2019 hearing (*ECF No. 780-1 at 56*) for claiming \$200,000 Kaiser solicited from non-victims in the superseding indictment (Hughes and Rizzi *some ones* – unknown to Kenner).
 - The Court cannot overlook Kaiser’s heart-wrenching testimony that Kenner “ruined his life” (*Tr.1089*). It is outrageous, considering he presented the Court in his February 2019 stunning letter of Jowdy malfeasance (*ECF No. 628*) that he was the owner of Kenner’s Baja Ventures 2006 equity since January 1, 2010 – as collateral for his 2005 Hawai’i friends & family loans. Kaiser worked for Jowdy for over 5 years and could have sold the equity stake (if real) for 1-cent on the dollar and recouped some *phantom-loss* value.
 - Notwithstanding the fabrication of the document and photocopied Kenner signature on the document...there is no way that Kaiser received over **\$100 million** from Kenner as collateral in 2010 for \$1 million (even though the empirical evidence confirms he was repaid) – **yet somehow**, Kaiser’s life was “ruined”. ***It is irreconcilable.***
 - That would have been the greatest collateral deal (if real) in the history of business. *Perhaps, the \$21 of beads the pilgrims bought Long Island from the native Indians would fall a distant second?*
 - And – Kaiser’s own claim to the Baja Ventures 2006 collateral agreement in his February 2019 letter cannot make him a victim of anything – considering the agreement he presented (although fabricated) would have made Kenner the “*most stand-up businessman in history*” – not a criminal...”ruin[ing]” Kaiser’s life!
- Kaiser would have been a character witness for Kenner.
- The Court should note that Kenner previously exposed the \$200,000 that was not Kaiser’s funds in *ECF No. 770 at 2*, again ignored by the government while

hoping the Court will simply overlook the lack of nexus and proper supporting documentation and follow the government's lead *ipse dixit*.

- Lastly, this is the same government witness who claimed he only found out about his money going to Mexico (only \$135,000 of the actual \$1 million) thru a "confrontation" started by Hawai'i COO Manfredi (*Tr.983*).
 - But, Manfredi told the FBI in 2010 that he did not know that Kaiser invested any more than the first \$1,000 (yes, one thousand dollars) in the project (*3500-CM-2-r at 2*), debunking any 2006 confrontation *he started*;
 - And, Kaiser told the 2009 arbitration he solicited the money from his friends & family specifically for the 15% Jowdy loans (which would have been 3 years *after* the fabricated confrontation event) (*Tr.1170-72*):

Q My question is simply this, did you or did you not, during the course of that deposition, give this answer to this question (reading [from the 2009 transcripts]):

"QUESTION: So at the time, was there any representation about getting paid back this money when the Cabo deal closed?

ANSWER: It was supposed to be a short-term loan. I thought it was three to six months, because I also had raised some other funds from family and friends that were getting a little antsy about it." Is that the answer that you gave to the question, yes or no?

A [John Kaiser]: Yes.

Q Now, I'm almost finished. I'm going to ask you to take a look at page 927 of this deposition. Specifically, beginning at line 8. Did you or did you not give these answer to the question as indicated (reading [from the 2009 transcripts]):

"QUESTION: When you made the decision -- or when you were made aware that some of this money was going to be lent out rather than sitting idle in the account, that 15 percent, did you know there was some risk?

ANSWER: That the 15 percent -- actually, the loans, I didn't think they were going to be, to me, it wasn't a risky loan. Now, some of the land purchases were a risk. It was a few miles away from a volcano. It was a tough sale period. But the loans, even investors that I brought in, I said, listen, this guy, I gave him a whole story about Kenner [sic] Jowdy backed by land. It's good. Better than

your money sitting somewhere." Is that the answer that you gave to that question, yes or no?

A [John Kaiser]: Yes.¹⁷

Despite claiming in 2015 that Kenner lied to him and stole the money, during Kaiser's 2009 arbitration – Kaiser confirmed:

Q: Do you blame Mr. Kenner for him [Jowdy] not paying the money back?

A [John Kaiser]: No.

The Nolan-Juneau-Moreau-Berard & 2017 settlements...

It is unconvincing by the government proffer, in any light, to believe that Jowdy's attorneys negotiated the settlements for only the Mexico funds he *stole* (as raised in multiple public lawsuits by the investors in Mexico, Arizona, California, Nevada and Delaware – yet *never* versus Kenner) – and not the \$5 million-plus he *stole* from the Hawai'i investors (admitted to the FBI in March 2010– 3500-KJ-2 at 11-14) and other personal loans (entirely admitted to in his January 2010 California depositions).

¹⁷ It should be noted that Kaiser confirmed to the FBI on October 19, 2010 (3500-JK-2 at 2, 3, 10) that he met with Jowdy 5-6 times independently to confirm the Hawai'i partners' loan plans prior to commencement in 2004.

Five years later at the 2015 trial, Kaiser vehemently denied ever telling the FBI in October 2010 about the Jowdy meetings before agreeing to the loans; doubling down that he never saw them taking the 11 pages of handwritten notes during the 2 hour and 15 minute proffer (Tr.1120-22).

For flair, AUSA Komatireddy told the jury during rebuttal summation that the notes were not reliable because 'an FBI agent' did not actually write them (with FBI agent Galioto present), and the jury could not tell if the notes were written "*before*" or "*after*" the meeting; defying logic to vouch for Kaiser's fabricated testimony [Komatireddy] (Tr.5991-92):

"And then they allege that the government sat silently by while Mr. Kaiser testified. That's not true. The very exhibit they showed you, Kenner 43, was stipulated into evidence by the government so you could see what it is and what it isn't. What is it? It's the notes of an investigator from another office, not the notes of an FBI agent, an investigator from another office. What is it not? It is not a transcript. It's not questions and answers. It's not direct quotes. You can't tell from the notes when they were written, if they were written before the interview or after the interview."